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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,077	12/05/2003	Jeffrey D. Gatt		8759

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EXAMINER
CAMPBELL, JOSHUA D

ART UNIT	PAPER NUMBER
2178	

DATE MAILED: 06/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/729,077

Applicant(s)

GATT, JEFFREY D.

Examiner

Joshua D. Campbell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/17/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This action is responsive to communications: Application filed on 12/5/2003 and IDS filed on 05/17/2004.
2. Claims 1-42 are pending in the case. Claims 1, 11, 21, 28, and 35 are independent claims.

### ***Drawings***

3. The drawings were received on 12/5/2003. These drawings are accepted.

### ***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 35-42 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. These claims are non-statutory for at least the reason that they are not tangibly embodied in a manner so as to be executable (i.e. stored on a computer readable storage medium). Further, a collection of fields (website structure), per se, is non-functional descriptive material, and is rejected under 35 U.S.C. 101 as being a non-patentable abstract idea.

**Proper correction is required.**

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Amado et al. (hereinafter Amado, US Patent Number 6,898,601, filed on May 23, 2003).

**Regarding independent claim 1**, Amado discloses receiving a request to create a group activity publication and accessing a layout that designates a plurality of content fields and content representation information in response to that request (column 7, line 48-column 8, line 30 of Amado). Amado also discloses that the preparation of the layout is performed at least partially based on representation information (column 2, lines 31-50 and column 7, line 48-column 8, line 30 of Amado).

**Regarding dependent claims 2-5**, Amado discloses that the layout includes system-defined and user-designated information and the content representation includes field size and field positioning information (column 7, line 48-column 8, line 30

of Amado). Amado also discloses that the content fields are associated with information regarding group members and group activities participated in and said information may be dynamically maintained (column 7, line 48-column 8, line 30 of Amado).

**Regarding dependent claims 6 and 7**, Amado discloses that a representation of the publication may be displayed including the information being placed in the content fields and that said information can be dynamically maintained (column 18, lines 11-38 of Amado)

**Regarding dependent claims 8 and 9**, Amado discloses that the group publication layout is prepared by integrating fields, the fields include system-defined fields and optional fields, which include system defined layout positions and user-defined layout positions respectively (column 2, lines 31-50 and column 7, line 48-column 8, line 30 of Amado). Amado discloses that a representation of the publication may be rendered including the data for these fields (column 2, lines 31-50 and column 7, line 48-column 8, line 30 of Amado).

**Regarding dependent claim 10**, Amado discloses that fields include textual content and image content fields and that some of these fields include information may be dynamically maintained (column 7, line 48-column 8, line 30 and column 18, lines 11-38 of Amado).

**Regarding independent claim 11 and dependent claims 12-20**, the claims incorporate substantially similar subject matter as claims 1-10. Thus, the claims are rejected along the same rationale as claims 1-10.

**Regarding independent claim 21,** Amado discloses receiving user-designated content for a group activity publication layout over a network after facilitating display the content options (column 7, line 48-column 8, line 30 of Amado). Amado discloses that the layout is then prepared in accordance with the designated content options (column 2, lines 31-50 and column 7, line 48-column 8, line 30 of Amado).

**Regarding dependent claims 22-24,** Amado discloses that the group publication layout is prepared by integrating fields, the fields include system-defined fields and optional fields, which include system defined layout positions and user-defined layout positions respectively (column 2, lines 31-50 and column 7, line 48-column 8, line 30 of Amado). Amado discloses that a representation of the publication may be rendered including the data for these fields (column 2, lines 31-50 and column 7, line 48-column 8, line 30 of Amado).

**Regarding dependent claims 25-27,** Amado discloses receiving a request to create a group activity publication and accessing a layout that designates a plurality of content fields and content representation information in response to that request (column 7, line 48-column 8, line 30 of Amado). Amado also discloses that the preparation of the layout is performed at least partially based on representation information (column 2, lines 31-50 and column 7, line 48-column 8, line 30 of Amado).

Amado discloses that the group publication layout is prepared by integrating fields, the fields include system-defined fields and optional fields, which include system defined layout positions and user-defined layout positions respectively (column 2, lines 31-50 and column 7, line 48-column 8, line 30 of Amado). Amado discloses that a

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representation of the publication may be rendered including the data for these fields (column 2, lines 31-50 and column 7, line 48-column 8, line 30 of Amado). Amado discloses that fields include textual content and image content fields and that some of these fields include information may be dynamically maintained (column 7, line 48-column 8, line 30 and column 18, lines 11-38 of Amado).

**Regarding independent claim 11 and dependent claims 12-20**, the claims incorporate substantially similar subject matter as claims 1-10. Thus, the claims are rejected along the same rationale as claims 1-10.

**Regarding independent claim 35**, Amado discloses a website interface which includes a collection of publication sections and that a status field exists to designate current creation status of a respective section (column 7, line 48-column 8, line 30 and column 13, line 52-column 14, line 5 of Amado).

**Regarding dependent claims 36 and 37**, Amado discloses that a collection of content options exist which include optional publication fields (column 7, line 48-column 8, line 30 of Amado).

**Regarding dependent claim 38 and 40**, Amado discloses the publication sections include headlines, narrative comments, image gallery and a sponsor section and that all of the selections are selectable for editing (column 7, line 48-column 8, line 30 of Amado).

**Regarding dependent claims 39, 41, and 42**, Amado discloses that an approval status exists for all the sections which is either finished, approved, and ready

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to be printed or still in progress and not ready for printing (column 7, line 48-column 8, line 30 and column 13, line 52-column 14, line 5 of Amado).

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent Number 6,460,036

US Patent Number 6,959,319

US Patent Number 6,529,910

US Patent Number 6,898,601


US Patent Application Publication Number 2002/0113811

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D. Campbell whose telephone number is (571) 272-4133. The examiner can normally be reached on M-F (7:30 AM - 4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JDC  
May 19, 2006

**STEPHEN HONG**  
**SUPERVISORY PATENT EXAMINER**